

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Minutes of the Monthly Meeting
Via Zoom Audio-Visual Conference
Wednesday, January 6, 2021

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:04 pm by Chairman Mark Fine.

Commissioners present: [9] ANDERSON, FINE, GARDNER, GELFOUND, MOORE, MURTHY, MYO KHIN, SMITH, STEINBACH.

Commissioners absent: VINEY, GRUBER (excused), PERPER (excused), (3 vacancies)

Staff present Tim Goetzinger, DHCA Director of Finance; Walter Wilson, Associate County Attorney; Staff: Nicolette Fahs

Guests: Jeffrey Hamberger, Panel Chair, Jennifer Poyt, Incoming Commissioner, Cheryl Walker, Incoming Commissioner Jo Ellen Bilanin, Ex-Officio Rand Fishbein, PhD, Ex-Officio Arthur Dubin, Ginger Naglee, Deb Cohen, Beth Sehenoff, Susan Rosenbaum, Jodie Fine, Joe Jordan, M. Kotelba, Donald Jackson.

1. Commissioner Moore nominated Mark Fine as Chairman of the Commission and Staci Gelfound as Vice Chair. Commissioners Smith and Anderson simultaneously seconding. The Motion passed unanimously by the Commission.
2. **Approval of Minutes:** After discussion, Commissioner Smith moved to approve the minutes of the November 2020 monthly meeting. Commissioner Gelfound seconding. The motion was approved by unanimous consent.
3. **Approval of Minutes:** After discussion, Commissioner Smith moved to approve the minutes of the December 2020 monthly meeting. Commissioner Murthy seconding. The motion was approved by unanimous consent.
4. **Community Forum:** There were no questions from the audience, members of the forum wished the Commission a Happy New Year to the Commission.
5. **Submission of disputes for Commission consideration:**
Jurisdiction – Default cases: None
6. **Jurisdiction - Contested cases:**
 - #2021-030, **Rassael v. Fallsreach HOA, Inc.**– Commissioner Gelfound moved to **deny** jurisdiction and Commissioner Anderson seconded the motion. After discussion, **the motion carried by the Commission with Commissioner Steinbach recusing.**
 - #2020-083, **Clarksburg Village Community Association v. Yella** – Commissioner Gardner moved to **accept** jurisdiction and Commissioner Moore seconded the motion. After discussion, **the motion carried by the Commission with Commissioner Fine recusing.**
 - #2021-013, **Marek Kotelba v. Kings Farm Citizens Assembly, Inc.**– Commissioner Murthy moved to **accept** jurisdiction and Commissioner Gardner seconded the motion. After discussion, **the motion carried by the Commission with Commissioner Fine recusing.**

7. Decisions & Orders Issued:

#2020-086, Churchill Village South HOA v. Mohamed Savage & Kasimy

#2020-089, Greencastle Lakes v. Chaikou & Mariana Balde.

#2020-093, Churchill Village South HOA v. Yining Xi

All Orders were included in Commission Packets.

8. Decisions & Orders on Appeal:

#2019-038, Kenny v. Council of Unit Owners of Cherington Condominium – **assigned to Administrative Appeal, Judge Lease.**

#2021-004, O'Neill v. 8101 Connecticut Avenue Condominium

9. **County Attorney's report:** Mr. Wilson gave an overview to his review of the proposed Commission changes to MCC 10-B. He also discussed the process that the Committee Chair get with staff to continue the process.

10. **DHCA status report:** Mr. Goetzinger presented the December 2020 report. They were attached to the report.

11. Chairman's Report:

The report is attached to this package

- The Chair reported that one of the incoming Commissioners has dropped out of the appointment process due to a family member who is gravely ill.
- The Chair reminded everyone that Ethics disclosures were due and if anyone had problems completing them to reach out. In addition, the Chair and Vice Chair would be getting the committee assignments together and would be discussing with the commissioners shortly.
- The Open Meetings training portal has been shut down due to issues related to circumstances beyond our control but will be relaunched soon.
- Discussion of the 30th anniversary of the Commission and how are we going to publicize that on the website etc.
- Discussion of the status of the City of Gaithersburg opting in to the CCOC. The process is on hold as the City Council is exploring creating their own CCOC and the cost involved. If it is prohibitive, they will reach back out to us in April.
- As a result of several confidential documents being disclosed in the Gaithersburg Public Hearing, the Chair asked to empanel a committee to review documents and make recommendations to the Full Commission as to possible Ethics violations from confidential documents being disclosed to the public. Commissioner Smith moved to **establish this committee** and Commissioner Gelfound seconded the motion. After discussion, Mr. Smith amended his motion to report back to the Chair with the report, and then the Chair would send the report to the findings to the Ethics Commission as to possible Ethics violations from confidential documents being disclosed to the public **the motion carried unanimously by the Commission.**
- Discussion of the Reserve Bill status and where it was within the Delegation. The Delegation is to meet on the 7th to discuss the MOCO 03-21.
- We discussed 2 townhalls being planned, one regarding reserves with Peter Miller of Miller/Dodson, Del. Critchfield, and Del. Holmes on the panel. and a town hall with District 1, Councilman Friedson's office. That townhall is set for Thursday, February 4th at 6:30 pm.
- There was a discussion of the web-site revamp. The Chair showed the attendees how things were progressing so far.

12. Committee reports:

- Information Technology & Budget Committee

[Members: Commissioners Fine & **Myo Khin [Chair]**, Murthy, & vacancy] Commission Vice Chair Myo Khin submitted the report of the committee (attached to packet.)

- Legislation & Process and Procedures Committee

[Members: Commissioners Fine & **Gardner [Chair]**, Gelfound, Moore, & Viney] Commissioner Gardner stated that the committee did not meet in December as they were working on the Reserve Bill. He discussed small associations and their need for being included in the Reserve Bill. The committee would meet on January 20th. He also asked for an update from the County Attorney on the updates to 10-B. Mr. Wilson discussed the process status that he explained during his report previously in the evening. Mr. Wilson also stated he was awaiting the committees finishing the legislative report and get it back to him. Mr. Gardner stated he would review the report and get it back to Mr. Wilson shortly.

Mr. Myo Khin discussed the reserve bill and the fact that we have not received community input. Ms. Gelfound explained that the public hearing process had not begun, and it would take place, Mr. Fine again reiterated that the bill was given to association prematurely by someone without Commission consent. This created problems with Council etc. due to unnecessary contention from the premature leaking of information. There was a brief recap of the language of the proposed reserve bill.

- Education Outreach Committee

[Members: Commissioners Fine & Anderson, Gelfound, Moore, Perper, Smith, Steinbach, & vacancy] --- No report.

13. New Business- Discussion of the 30th anniversary and placing things on the website to list all current and past chair of the CCOC, as well as other highlights over the last 30 years. We would like to have this completed by the end of February. There was a discussion of posting minutes and agendas promptly. Mr. Wilson reminded the new commissioners of the mandated training requirement.

14. **Adjournment:** Meeting adjourned at 8:29 pm.

Next meeting: Wednesday, February 3, 2021 at 7:00pm